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C O N F I D E N T I A L SECTION 01 OF 02 SANAA 000359

SIPDIS

STATE DEPARTMENT FOR NEA/ARP, S/CT, DS/DSS, AND DRL/IRF;
CENTCOM FOR POLAD

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TAGS: PHUM PREL PINR YM KICC

SUBJECT: YEMENI ISLAMIC MODERATE ON THE RELEASE OF
DETAINEES, RELIGIOUS DIALOGUE AND ICC RATIFICATION

REF: A. FBIS RESTON 301554Z JAN 04

B. SANAA 146

C. 03 SANAA 2767

D. 03 SANAA 2753

E. 03 SANAA 2743

F. 03 SANAA 2454

Classified By: Ambassador Edmund J. Hull, for reasons 1.5, b and d

1. (c) Summary: Pol/Econ Chief, Counter-terrorism Coordinator and Political Specialist (as translator) met with Judge Hamoud al-Hitar, leading cleric of the ROYG committee responsible for the dialogue with security detainees, on February 9. Concerning the dialogue, al-Hitar said that there are fewer than 30 detainees recommended for release, and that the rest are facing criminal prosecution, including those suspected in the bombings of the USS Cole and French tanker Limburg. He stated that information from detained al-Qaida member Abu Asim al-Makki has led to a small number of arrests and suggested the possibility of extraditions, if "such an action would strengthen U.S.-Yemeni relations." Al-Hitar also confirmed that there is a very high likelihood that the International Criminal Court (ICC) will be ratified by Parliament soon. While he did not provide specific proposals for follow-up from the January HR/Democracy/ICC conference (ref b), al-Hitar believes that democracy is a "weapon" to change regimes from within and that a dialogue on democracy is the way to restore U.S.-Islamic relations. Because of concerns that external factors would lead to an unpalatable outcome, he recommended indefinite postponement of a proposed conference on moderation of religious messages to be hosted by Yemen's Ministry of Awqaf (ref a). End summary.

Fewer Than 30 Recommended for Release;
Remaining Detainees Face Criminal Charges

2. (c) On the status of the dialogue, Judge al-Hitar said that there are fewer than 30 detainees remaining that have been recommended for release by the group, and that the rest are slated for criminal prosecution. He said that it is not in the interests of either the U.S. or Yemen to imprison innocent individuals, but that this standard certainly "did not apply to suspects in the Cole or Limburg bombings," and cited our mutual interest in moving the prosecutions of these suspects forward, which he believes will have a deterrent effect. Al-Hitar said he recommended that the last group of less than 30 be let go over the Eid-al-Ahda holiday (February 1-3), but claims that the security forces have concerns that have delayed the process. When asked about the timing of releases, al-Hitar said that it was dependent on the particular number of prisoners in detention at any one time, and not on a pre-determined holiday schedule. (Note: the first two groups were released over or just after Ramadan in 2002 and 2003. End note).

3. (c) Al-Hitar said that elements of the parliamentary opposition have used the detainee issue, and ROYG resistance to releases, to pursue their own agenda by attempting to show a tie between the regime and the "extremist" detainees -- which they believe has a deleterious effect on the regime's reputation. He also confirmed that security forces had recently arrested a small number of suspects based on information developed from detained Al-Qaida member Abu Asim al-Makki.

4. (c) When asked if he had participated in the dialogue on Constitutional issues related to extradition for criminal cases, al-Hitar claimed that he was out of the country. However, he counseled "patience" on the issue because: (1) the ROYG needs to be very sensitive to public opinion/reaction, e.g., harsh criticisms of the government because of the 2002 al-Harithi incident accompanied by accusations from the opposition that it had abandoned its sovereignty; and (2) the ROYG and the opposition are both committed and very close to ratifying membership in the ICC, which would automatically lead to constitutional amendments.

5. (c) On the extradition issue, al-Hitar said that if there is a "possibility that such an action would strengthen

U.S.-Yemeni relations, then it would certainly be considered," but the ROYG would need to be very sensitive to ensure that such an action would not provide ammunition to the political opposition/extremists. Comment: Along with Foreign Minister Qirbi's comments in a February 5 Al-Jazeera interview on Jaber al-Banna that "the question should be whether the Yemeni law applies to him as a Yemeni or as a Yemeni who abandoned his Yemeni citizenship," this seems to constitute a softening from the blanket denial from various sources that stated extradition was impossible due to constitutional prohibitions. End comment.

15. (c) At the invitation of the UK government, Al-Hitar is likely to be traveling to the UK later this month to discuss the dialogue process. He welcomed the opportunity to meet with U.S. visitors to Yemen to discuss the issue, and hinted several times that he would welcome an invite to travel to the U.S., even mentioning that his 1995 trip to the U.S. (on an IVP program) changed both his thinking and personal behaviors in a positive way.

Democratic Dialogue Will Restore U.S.-Islamic Relations

16. (c) Asked about follow-up from the recent HR/Democracy/ICC Conference hosted by the ROYG (ref b), al-Hitar said that he would like to see a U.S. strategy for the Middle East based on the outcome of the January meeting. He commented that Yemen is "competing" for a role in the region, and that democracy is its only card. He clarified that the conference was put forward in the context of creating a "slow-burn" or simmering effect for democratic dialogue and reforms, and that democracy can be used as a "weapon" to change regimes from within countries. He stated several times during the meeting that a dialogue on democracy is the primary way to build/restore U.S.-Islamic relations.

Conference on Moderate Preaching Postponed Indefinitely

17. (c) On the proposed Ministry of Awqaf (Endowments and Religious Guidance) conference on religious moderation (ref a), al-Hitar said that a cabinet-level committee has already prepared a program and proposed guest list for the event, but that over Ramadan he counseled against going forward because of concerns that Iraq would dominate the discussion. He characterized the conference as a "double-edged sword," saying that although it is aimed at moderating religious messages, it could result in a more hard-line message. He believes things are too "emotional" right now and that outside influences (e.g., Afghanistan, Iraq) would be too strong for participants to ignore.

HULL